

Minutes
Air Pollution Control Board
Indiana Government Center South
Conference Room C
402 West Washington Street
Indianapolis, Indiana

February 5, 2003

1:06 p.m.

1. Mr. John Walker, Chairman, called the meeting to order. He noted that a quorum was present.

CALL TO ORDER
QUORUM

2. Chairman Walker introduced the board members.

INTRODUCTION OF
MEMBERS

Present: Mr. John Walker, Chairman
Mr. Thomas Anderson
Mr. David Benshoof
Mr. John Bacone, Proxy, Department of Natural Resources
Ms. Pamela Fisher, Proxy, Lieutenant Governor
Mr. Chris Horn
Dr. James Miner
Mr. Randy Staley
Dr. Phil Stevens

Also present were Mr. Timothy Method, Commissioner, Ms. Janet McCabe, Assistant Commissioner, and Ms. Kathy Watson, Branch Chief. Others present are recorded on a separate sheet and made a part of this record. A court reporter was present and a transcript is available for review.

Chairman Walker introduced Ms. Pamela Fisher, Proxy for the Lieutenant Governor, as a new member of the Air Pollution Control Board.

3. Mr. Method reported on the following legislation that was before the General Assembly: House Bill 1272 that deals with environmental rulemaking boards which has been amended into House Bill 1221; House Bill 1439 and House Bill 1440 that affect the automobile emission testing programs; House Bill 1657 that deals with open burning has language that broadens the current statutory exemption to include any agricultural land within the exemption; House Bill 1658 that deals with rulemaking authorities; House Bill 1671 that deals with environmental rulemaking and standards; House Bill 1723 that deals with regulation of endangered industries; and House Bill 1780 that affects the rulemaking authorities of the Board or role of IDEM has not had a hearing as of the time of the board meeting nor has House Bill 1912. House Bill 1979 provides for a number of fee increases, but none affecting air. Mr. Method reported on the following Senate bills: Senate Bill 208; Senate Bill 273; and Senate Bill

REPORTS

440 that deals with implementing the new federal new source review reform rules into state rules.

Mr. Method reported on a memorandum dated January 29, 2003, called “Changes to Environmental Rulemaking Processes and Procedures.”

Ms. McCabe presented the 2002 Ozone Season Reports and then provided an update on the eight-hour ozone standard designations, implementation guidance and outreach efforts. Ms. McCabe gave an overview of the federal New Source Review Reform rulemaking. Ms. McCabe stated that IDEM had issued new guidance on the annual compliance certification, which is required of sources that have Title V operating permits. IDEM had scheduled training sessions around the state to talk with people interested in learning more about how to fill out those forms.

Ms. McCabe reported that Commissioner Lori Kaplan, on behalf of the Governor, presented Mr. and Mrs. Herb and Charlotte Read of Save the Dunes Council Sagamores of the Wabash awards for their participation in preserving the natural environment in Northwest Indiana for half a century.

Chairman Walker introduced the November 6, 2002, Air Pollution Control Board minutes.

MINUTES

Mr. Bacone moved to adopt the November 6, 2002, Air Pollution Control Board’s Minutes. Mr. Anderson seconded. The motion passed unanimously.

4. Chairman Walker introduced Exhibit 1, the draft rule, into the record of the hearing.

Ms. Watson stated that updating the reference to the CFR to mean the 2002 edition of the Code of Federal Regulations will update all of IDEM’s incorporations by reference of federal regulations into state rules to the 2002 version of the federal regulations. This rulemaking will update the air pollution emissions factors, AP-42, which is referenced in the rules to mean the 2002 edition. Also, the actual language that IDEM uses to incorporate documents by reference is being updated and standardized to conform to LSA requirements. Ms. Watson asked the board to preliminarily adopt the rule.

Mr. Anderson moved to adopt the amendments to rules 326 IAC 1-1-3, 326 IAC 1-1-3.5, and Title 326. Dr. Miner seconded. The motion passed unanimously.

PUBLIC HEARING FOR PRELIMINARY ADOPTION OF AMENDMENTS TO RULES 326 IAC 1-1- 3, 326 IAC 1-1-3.5, and Title 326 References to the Code of Federal Regulations (CFR), Compilation of Air Pollution Emission Factors AP-42 and Supplements (AP-42) and Incorporation by reference.

5. Chairman Walker introduced Exhibit 2, the draft rule, into the record of the hearing.

Ms. Chris Pedersen, rulewriter, stated that the draft rule updates U.S. Steel's equipment inventory, PM10 emission limits, and other rule provisions that are superseded by a 1996 agreed order and two variances. Ms. Pedersen stated the rulemaking formalizes those changes into state rules. The amended rules will be submitted to U.S. EPA as an amendment to the PM10 state implementation plan upon promulgation.

U.S. Steel currently operates under two variances concerning PM10 emissions. This rulemaking will update the PM10 emission limits in the rules so that the variance from 326 IAC 6-1-10.1 is no longer needed and will update certain monitoring and record-keeping requirements in 326 IAC 6-10.2 so that the variance from 326 IAC 6-10.2 is no longer needed. Ms. Pedersen asked the board to preliminarily adopt the rule.

Mr. Jim Alexander, U. S. Steel Corporation, expressed support of the rulemaking.

Mr. Horn moved to adopt the amendments rules 326 IAC 6-1-10.1 and 326 IAC 6-1-10.2. Mr. Benshoof seconded. The motion passed unanimously.

**PUBLIC HEARING
FOR PRELIMINARY
ADOPTION OF
AMENDMENTS TO
RULES 326 IAC 6-1-
10.1 and 326 IAC 6-1-
10.2, U.S. Steel-Gary**

7. Chairman Walker opened and continue the public hearing regarding Preliminary Adoption of amendments to rules 326 IAC 23 concerning lead based paint activities.

**CONTINUATION OF
PUBLIC HEARING
FOR PRELIMINARY
ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 23,
Lead Based Paint**

8. The next meeting was tentatively scheduled for Wednesday, March 5, 2003 at 1:00 p.m, Indiana Government Center South, Indianapolis, Indiana in Conference Room C.

NEXT MEETING

9. Dr. Miner moved to adjourn the meeting. Mr. Bacone seconded. The vote was unanimous. Chairman Walker adjourned the meeting at 2:29 p.m.

ADJOURNMENT

John Walker, Chairman

These minutes were taken from the February 5, 2003 transcript, and were written on March 17, 2003, by Karol T. Chuma, Office of Air Quality.